

§ 82.300

Subpart C—Requirements for Recipients Who Are Individuals

§ 82.300 What must I do to comply with this part if I am an individual recipient?

As a condition of receiving a(n) HHS award, if you are an individual recipient, you must agree that—

(a) You will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity related to the award; and

(b) If you are convicted of a criminal drug offense resulting from a violation occurring during the conduct of any award activity, you will report the conviction:

(1) In writing.

(2) Within 10 calendar days of the conviction.

(3) To the HHS awarding official or other designee for each award that you currently have, unless § 82.301 or the award document designates a central point for the receipt of the notices. When notice is made to a central point, it must include the identification number(s) of each affected award.

§ 82.301 [Reserved]

Subpart D—Responsibilities of HHS Awarding Officials

§ 82.400 What are my responsibilities as a(n) HHS awarding official?

As a(n) HHS awarding official, you must obtain each recipient's agreement, as a condition of the award, to comply with the requirements in—

(a) Subpart B of this part, if the recipient is not an individual; or

(b) Subpart C of this part, if the recipient is an individual.

Subpart E—Violations of this Part and Consequences

§ 82.500 How are violations of this part determined for recipients other than individuals?

A recipient other than an individual is in violation of the requirements of this part if the HHS Official or designee determines, in writing, that—

(a) The recipient has violated the requirements of subpart B of this part; or

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(b) The number of convictions of the recipient's employees for violating criminal drug statutes in the workplace is large enough to indicate that the recipient has failed to make a good faith effort to provide a drug-free workplace.

§ 82.505 How are violations of this part determined for recipients who are individuals?

An individual recipient is in violation of the requirements of this part if the HHS Official or designee determines, in writing, that—

(a) The recipient has violated the requirements of subpart C of this part; or

(b) The recipient is convicted of a criminal drug offense resulting from a violation occurring during the conduct of any award activity.

§ 82.510 What actions will the Federal Government take against a recipient determined to have violated this part?

If a recipient is determined to have violated this part, as described in § 82.500 or § 82.505, the HHS may take one or more of the following actions—

(a) Suspension of payments under the award;

(b) Suspension or termination of the award; and

(c) Suspension or debarment of the recipient under 45 CFR Part 76, for a period not to exceed five years.

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§ 82.515 Are there any exceptions to those actions?

The the Secretary of HHS may waive with respect to a particular award, in writing, a suspension of payments under an award, suspension or termination of an award, or suspension or debarment of a recipient if the Secretary of HHS determines that such a waiver would be in the public interest. This exception authority cannot be delegated to any other official.

Subpart F—Definitions

§ 82.605 Award.

Award means an award of financial assistance by the HHS or other Federal agency directly to a recipient.

(a) The term award includes: